S.B.CRIMINAL MISC. BAIL APPLICATION NO. 4222/07
(Meenaz & Anr. Vs. State of Rajasthan)

DATE OF ORDER : 03/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. P.C.Solanki for the petitioners.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioners and Public Prosecutor for the State. Perused the order impugned and the statement of the prosecutrix recorded under Section 164 Cr.P.C.

It is contended by learned counsel for the petitioners that similarly situated person Gulam Nabi has been enlarged on bail by learned Sessions Judge, Jodhpur vide order dated 30.8.2007 under Section 438 Cr.P.C.

I have carefully gone through the statement of the prosecutrix. No overt act has been assigned to the present petitioner. It is the prosecutrix herself who has been moving all around from Jodhpur to Ajmer, Alwar, Bangalore, Ahmedabad and Surat in search of Tufel against whom the allegation of rape is levelled.

Without commenting on the merit of the case, looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioners under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Meenaz D/o Shri Gulam Nabi and Smt. Mobina W/o Shri Gulam Nabi in FIR No. 343/2007 P.S. Mahamandir, Jodhpur, they shall be released on bail for a period till the police concludes the investigation and files the challan

provided each of them furnishes a personal bond in the sum of Rs.10,000/- alongwith one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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